

Chapter 8.—FEDERAL CORRUPT PRACTICES.

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Section 241. Definitions.—When used in this chapter—

(a) The term "election" includes a general or special election, and, in the case of a Resident Commissioner from the Philippine Islands, an election by the Philippine Legislature, but does not include a primary election or convention of a political party;

(b) The term "candidate" means an individual whose name is presented at an election for election as Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, whether or not such individual is elected;

(c) The term "political committee" includes any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates or presidential and vice presidential electors (1) in two or more States, or (2) whether or not in more than one State if such committee, association, or organization (other than a duly organized State or local committee of a political party) is a branch or subsidiary of a national committee, association, or organization;

(d) The term "contribution" includes a gift, subscription, loan, advance, or deposit, of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable to make a contribution;

(e) The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift, of money, or any thing of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure;

(f) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons;

(g) The term "Clerk" means the Clerk of the House of Representatives of the United States;

(h) The term "Secretary" means the Secretary of the Senate of the United States;

(i) The term "State" includes Territory and possession of the United States. (June 25, 1910, c. 392, §§ 1, 8, 36 Stat. 822; Aug. 19, 1911, c. 33, § 2, 37 Stat. 26; Aug. 23, 1912, c. 349, 37 Stat. 360; Feb. 28, 1925, c. 308, Title III, § 302, 43 Stat. 1070.)

242. Chairman and treasurer of political committee; duties as to contributions; accounts and receipts.—(a) Every political committee shall have a chairman and a treasurer. No contribution shall be accepted, and no expenditure made, by or on behalf of a political committee for the purpose of influencing an election until such chairman and treasurer have been chosen.

(b) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

(1) All contributions made to or for such committee;

(2) The name and address of every person making any such contribution, and the date thereof;

(3) All expenditures made by or on behalf of such committee; and

(4) The name and address of every person to whom any such expenditure is made, and the date thereof.

(c) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure by or on behalf of a political committee exceeding \$10 in amount. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for a period of at least two years from the date of the filing of the statement containing such items. (June 25, 1910, c. 392, §§ 2, 3, 36 Stat. 823; Feb. 28, 1925, c. 308, Title III, § 303, 43 Stat. 1071.)

243. Accounts of contributions received.—Every person who receives a contribution for a political committee shall, on demand of the treasurer, and in any event within five days after the receipt of such contribution, render to the treasurer a detailed account thereof, including the name and address of the person making such contribution, and the date on which received. (June 25, 1910, c. 392, § 4, 36 Stat. 823; Feb. 28, 1925, c. 308, Title III, § 304, 43 Stat. 1071.)

244. Statements by treasurer filed with Clerk of House of Representatives.—(a) The treasurer of a political committee shall file with the Clerk between the 1st and 10th days of March, June, and September, in each year, and also between the 10th and 15th days, and on the 5th day, next preceding the date on which a general election is to be held, at which candidates are to be elected in two or more States, and also on the 1st day of January, a statement containing, complete as of the day next preceding the date of filing—

(1) The name and address of each person who has made a contribution to or for such committee in one or more items of the aggregate amount or value, within the calendar year, of \$100 or more, together with the amount and date of such contribution;

(2) The total sum of the contributions made to or for such committee during the calendar year and not stated under paragraph (1);

(3) The total sum of all contributions made to or for such committee during the calendar year;

(4) The name and address of each person to whom an expenditure in one or more items of the aggregate amount or value, within the calendar year, of \$10 or more has been made by or on behalf of such committee, and the amount, date, and purpose of such expenditure;

(5) The total sum of all expenditures made by or on behalf of such committee during the calendar year and not stated under paragraph (4);

(6) The total sum of expenditures made by or on behalf of such committee during the calendar year.

(b) The statements required to be filed by subdivision (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

(c) The statement filed on the 1st day of January shall cover the preceding calendar year. (June 25, 1910, c. 392, §§ 5, 6, 36 Stat. 823; Aug. 19, 1911, c. 33, § 1, 37 Stat. 25; Feb. 28, 1925, c. 308, Title III, § 305, 43 Stat. 1071.)

245. Statements by others than political committee filed with Clerk of House of Representatives.—Every person (other than a political committee) who makes an expenditure in one or more items, other than by contribution to a political committee, aggregating \$50 or more within a calendar year for the purpose of influencing in two or more States the election

of candidates, shall file with the Clerk an itemized detailed statement of such expenditure in the same manner as required of the treasurer of a political committee by section 244 of this title. (June 25, 1910, c. 302, § 7, 36 Stat. 824; Feb. 28, 1925, c. 308, Title III, § 306, 43 Stat. 1072.)

246. Statements by candidates for Senator, Representative, Delegate, or Resident Commissioner filed with Secretary of Senate and Clerk of House of Representatives.—(a) Every candidate for Senator shall file with the Secretary and every candidate for Representative, Delegate, or Resident Commissioner shall file with the Clerk not less than ten nor more than fifteen days before, and also within thirty days after, the date on which an election is to be held, a statement containing, complete as of the day next preceding the date of filing—

(1) A correct and itemized account of each contribution received by him or by any person for him with his knowledge or consent, from any source, in aid or support of his candidacy for election, or for the purpose of influencing the result of the election, together with the name of the person who has made such contribution;

(2) A correct and itemized account of each expenditure made by him or by any person for him with his knowledge or consent, in aid or support of his candidacy for election, or for the purpose of influencing the result of the election, together with the name of the person to whom such expenditure was made; except that only the total sum of expenditures for items specified in subdivision (c) of section 248 of this title need be stated;

(3) A statement of every promise or pledge made by him or by any person for him with his consent, prior to the closing of the polls on the day of the election, relative to the appointment or recommendation for appointment of any person to any public or private position or employment for the purpose of procuring support in his candidacy, and the name, address, and occupation of every person to whom any such promise or pledge has been made, together with the description of any such position. If no such promise or pledge has been made, that fact shall be specifically stated.

(b) The statements required to be filed by subdivision (a) shall be cumulative, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

(c) Every candidate shall inclose with his first statement a report, based upon the records of the proper State official, stating the total number of votes cast for all candidates for the office which the candidate seeks, at the general election next preceding the election at which he is a candidate. (June 25, 1910, c. 302, § 8, 36 Stat. 824; Aug. 19, 1911, c. 33, § 2, 37 Stat. 26; Aug. 23, 1912, c. 349, 37 Stat. 360; Feb. 28, 1925, c. 308, Title III, § 307, 43 Stat. 1072.)

247. Statements; verification; filing; preservation; inspection.—A statement required by this chapter to be filed by a candidate or treasurer of a political committee or other person with the Clerk or Secretary, as the case may be—

(a) Shall be verified by the oath or affirmation of the person filing such statement, taken before any officer authorized to administer oaths;

(b) Shall be deemed properly filed when deposited in an established post office within the prescribed time, duly stamped, registered, and directed to the Clerk or Secretary at Washington, District of Columbia, but in the event it is not received, a duplicate of such statement shall be promptly filed upon notice by the Clerk or Secretary of its nonreceipt;

(c) Shall be preserved by the Clerk or Secretary for a period of two years from the date of filing, shall constitute a part of the public records of his office, and shall be open to

public inspection. (June 25, 1910, c. 302, § 8, 36 Stat. 824; Aug. 19, 1911, c. 33, § 2, 37 Stat. 26; Aug. 23, 1912, c. 349, 37 Stat. 360; Feb. 28, 1925, c. 308, Title III, § 308, 43 Stat. 1072.)

248. Limitation upon amount of expenditures by candidate.—(a) A candidate, in his campaign for election, shall not make expenditures in excess of the amount which he may lawfully make under the laws of the State in which he is a candidate, nor in excess of the amount which he may lawfully make under the provisions of this title.

(b) Unless the laws of his State prescribe a less amount as the maximum limit of campaign expenditures, a candidate may make expenditures up to—

(1) The sum of \$10,000 if a candidate for Senator, or the sum of \$2,500 if a candidate for Representative, Delegate, or Resident Commissioner; or

(2) An amount equal to the amount obtained by multiplying three cents by the total number of votes cast at the last general election for all candidates for the office which the candidate seeks, but in no event exceeding \$25,000 if a candidate for Senator or \$5,000 if a candidate for Representative, Delegate, or Resident Commissioner.

(c) Money expended by a candidate to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of the State in which he resides, or expended for his necessary personal, traveling, or subsistence expenses, or for stationery, postage, writing, or printing (other than for use on billboards or in newspapers), for distributing letters, circulars, or posters, or for telegraph or telephone service, shall not be included in determining whether his expenditures have exceeded the sum fixed by paragraph (1) or (2) of subdivision (b) as the limit of campaign expenses of a candidate. (June 25, 1910, c. 302, §§ 8, 9, 36 Stat. 824; Aug. 19, 1911, c. 33, § 2, 37 Stat. 26; Aug. 23, 1912, c. 349, 37 Stat. 360; Feb. 28, 1925, c. 308, Title III, § 309, 43 Stat. 1073.)

249. Promises or pledges by candidate.—It is unlawful for any candidate to directly or indirectly promise or pledge the appointment, or the use of his influence or support for the appointment of any person to any public or private position or employment, for the purpose of procuring support in his candidacy. (June 25, 1910, c. 302, § 8, 36 Stat. 824; Aug. 19, 1911, c. 33, § 2, 37 Stat. 26; Aug. 23, 1912, c. 349, 37 Stat. 360; Feb. 28, 1925, c. 308, Title III, § 310, 43 Stat. 1073.)

250. Expenditures to influence voting.—It is unlawful for any person to make or offer to make an expenditure, or to cause an expenditure to be made or offered, to any person, either to vote or withhold his vote, or to vote for or against any candidate, and it is unlawful for any person to solicit, accept, or receive any such expenditure in consideration of his vote or the withholding of his vote. (June 25, 1910, c. 302 § 8, 36 Stat. 824; Aug. 19, 1911, c. 33, § 2, 37 Stat. 26; Aug. 23, 1912, c. 349, 37 Stat. 360; Feb. 28, 1925, c. 308, Title III, § 311, 43 Stat. 1073.)

251. Contributions by national banks or other Federal corporations; penalty.—It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution in connection with any election to any political office, or for any corporation whatever to make a contribution in connection with any election at which presidential and vice presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to, Congress are to be voted for, or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section. Every corporation which makes any contribution in violation of this section shall be fined not more than \$5,000; and every officer or director of any corporation who consents to any contribution by the corporation in viola-

tion of this section shall be fined not more than \$1,000, or imprisoned not more than one year, or both. (Jan. 26, 1907, c. 420, § 34 Stat. 804; Mar. 4, 1909, c. 321, § 83, 35 Stat. 1103; Feb. 28, 1925, c. 368, Title III, § 313, 43 Stat. 1074.)

252. General penalties for violations.—(a) Any person who violates any of the foregoing provisions of this chapter, except those for which a specific penalty is imposed by section 208 of Title 18, and section 251 of this title, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(b) Any person who willfully violates any of the foregoing provisions of this chapter, except those for which a specific penalty is imposed by section 208 of Title 18, and section 251 of this title, shall be fined not more than \$10,000 and imprisoned not more than two years. (June 25, 1910, c. 392, § 11, 36 Stat. 824; Aug. 19, 1911, c. 23, § 2, 37 Stat. 26; Feb. 28, 1925, c. 368, Title III, § 314, 43 Stat. 1074.)

253. Expenses of election contests.—This chapter shall not limit or affect the right of any person to make expenditures for proper legal expenses in contesting the results of an election. (June 25, 1910, c. 392, § 10, 36 Stat. 824; Aug. 19, 1911, c. 23, § 2, 37 Stat. 26; Feb. 28, 1925, c. 368, Title III, § 315, 43 Stat. 1074.)

254. State laws not affected.—This chapter shall not be construed to annul the laws of any State relating to the nomination or election of candidates, unless directly inconsistent with the provisions of this title, or to exempt any candidate from complying with such State laws. (June 25, 1910, c. 392, § 8, 36 Stat. 824; Aug. 19, 1911, c. 23, § 2, 37 Stat. 26; Aug. 23, 1912, c. 349, 37 Stat. 300; Feb. 28, 1925, c. 368, Title III, § 316, 43 Stat. 1074.)

255. Partial invalidity.—If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the chapter and of the application of such provision to other persons and circumstances shall not be affected thereby. (Feb. 28, 1925, c. 368, Title III, § 317, 43 Stat. 1074.)

256. Citation.—This chapter may be cited as the "Federal Corrupt Practices Act." (Feb. 28, 1925, c. 368, Title III, § 301, 43 Stat. 1070.)

Chapter 9.—OFFICE OF LEGISLATIVE COUNSEL.

Sec.

271. Creation of office.

272. Appointment of legislative counsel; qualifications.

273. Compensation of legislative counsel.

274. Assistant legislative counsel; clerks and employees; office equipment and supplies.

275. Duties of office; rules and regulations.

276. Disbursement of appropriations.

277. Official mail matter.

Section 271. Creation of office.—There shall be an office to be known as the office of the legislative counsel, and to be

under the direction of two legislative counsel. (Feb. 24, 1910, c. 18, § 1303, 40 Stat. 1141; June 2, 1924, c. 234, § 1101, 43 Stat. 353.)

272. Appointment of legislative counsel; qualifications.—One of the legislative counsel shall be appointed by the President of the Senate, and one by the Speaker of the House of Representatives, without reference to political affiliations and solely on the ground of fitness to perform the duties of the office. (Feb. 24, 1910, c. 18, § 1303, 40 Stat. 1141; June 2, 1924, c. 234, § 1101, 43 Stat. 353.)

273. Compensation of legislative counsel.—The positions of legislative counsel shall be allocated from time to time by the President of the Senate and the Speaker of the House of Representatives, jointly, to the appropriate grade in the compensation schedules of section 673 of Title 5. The rate of compensation of each of the two legislative counsel shall be fixed from time to time, within the limits of such grade, by the President of the Senate and the Speaker of the House of Representatives, respectively. (June 2, 1924, c. 234, § 1101, 43 Stat. 353.)

274. Assistant legislative counsel; clerks and employees; office equipment and supplies.—The legislative counsel shall, subject to the approval of the President of the Senate and the Speaker of the House of Representatives, employ and fix the compensation of such assistant counsel, clerks, and other employees, and purchase such furniture, office equipment, books, stationery, and other supplies, as may be necessary for the proper performance of the duties of the office and as may be appropriated for by Congress. (Feb. 24, 1910, c. 18, § 1303, 40 Stat. 1141; June 2, 1924, c. 234, § 1101, 43 Stat. 353.)

275. Duties of office; rules and regulations.—The office of the legislative counsel shall aid in drafting public bills and resolutions or amendments thereto on the request of any committee of either House of Congress, but the Library Committee of the Senate and the Library Committee of the House of Representatives, respectively, may determine the preference, if any, to be given to such requests of the committees of either House, respectively. The legislative counsel shall, from time to time, prescribe rules and regulations for the conduct of the work of the office for the committees of each House, subject to the approval of the Library Committee of each House, respectively. (Feb. 24, 1910, c. 18, § 1303, 40 Stat. 1141; June 2, 1924, c. 234, § 1101, 43 Stat. 353.)

276. Disbursement of appropriations.—One-half of all appropriations for the office shall be disbursed by the Secretary of the Senate and one-half by the Clerk of the House of Representatives. (Feb. 24, 1910, c. 18, § 1303, 40 Stat. 1141; June 2, 1924, c. 234, § 1101, 43 Stat. 353.)

277. Official mail matter.—The legislative counsel shall have the same privilege of free transmission of official mail matter as other officers of the United States Government. (June 2, 1924, c. 234, § 1101, 43 Stat. 353.)